

**Amendments to the Drawings:**

The attached drawing sheet includes changes to Figure 3. This sheet replaces the original Figure 3. In Figure 3, the illustrated clock signals 310 and 320 have been corrected to reflect the proper relationships,  $M_X = 6$  and  $M_R = 15$ , respectively, to the period of the reference clock 330, as set forth and supported by the text of paragraphs 1031 and 1032. The worst case hold slack 352 has also been corrected. No new matter is added by the change.

## REMARKS

This Amendment and Response is filed in reply to the Office action dated August 7, 2006. Claims 1, 3-4, 7-8, 11, 14-18, 21-25, 27-37, 39-40 and 43-44 are amended and claims 2, 13, 26 and 38 are canceled. Accordingly, after entry of this Amendment and Response, claims 1, 3-9, 11-12, 14-25, 27-37 and 39-45 will be pending.

### I. Specification and Drawings

The specification has been amended to correspond with the corrections to Figure 3. No new matter has been introduced by the amendment to the specification. The correct timing relationships of the clock signals indicates that the worst case hold slack occurs when the triggering edge of clock 320 occurs 1m clock cycles before the immediately subsequent triggering edge of clock 310. Support for the changes are found at original paragraphs 1031 and 1032 and original Figure 3 of the present application. The changes simply make paragraphs 1031 and 1032 consistent with Figure 3 and vice versa. No new matter is added by the change.

### II. Claim Rejections Under 35 U.S.C. § 101

Claims 1, 5-12, 16, 17, 20-37 and 41-45 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, in claims 1, 5-12, 16, 37 and 41-45, the claimed steps and means are divorced from any tangible structure; in claims 25-36, the claimed medium refers to a transient signal; and claim 17 results in an improper definition of a process. In response, the independent claims 1, 11, 25, and 37 have been amended to include the limitation "adjusting an interval between a reference edge of a first test clock signal and a reference edge of a second test clock signal to simulate a worst case slack." Claims 25-32 have been amended to specify an article of manufacture, which is a tangible embodiment. Claim 33 has been amended to specify a method performed on a processor, a tangible embodiment. Finally, claim 17 has been amended to recite a process step.

As amended herein, claims 1, 5-12, 16, 17, 20-37 and 41-45 are directed toward statutory subject matter in compliance with 35 U.S.C. § 101, are now in form for allowance, and such indication is respectfully requested.

### III. Claim Rejections Under 35 U.S.C. § 112

Claims 1-16 and 18-45 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office action indicates that the specification describes the effective phase shift as being based on a MOD operation

on an offset value and a GCD value, but not described as being representative of a smallest interval. In response, the independent claims 1, 11, 17, 25, 33 and 37 have been amended such that determining an effective phase shift between the first clock signal and the second clock signal is "based on the offset and a greatest common divisor." As amended, it is believed that claims 1, 11, 17, 25, 33 and 37 are now in compliance with 35 U.S.C. § 112, first paragraph. The remaining rejected claims 3-9, 12-16, 18-24, 27-32, 34-36, 39-45 all depend, either directly or indirectly, from one of the independent claims 1, 11, 17, 25, 33 and 37, and therefore comply with 35 U.S.C. § 112, first paragraph, for at least the same reasons as the amended independent claims.

Claims 1, 5, 10, 17, 18, 25, 33 and 37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because claim 10 was canceled in the prior Office action, we assume that the reference to claim 10 refers to claim 11.

Specifically, the Office action indicates that the term "smallest" in claims 1, 11, 18, 25, 33 and 37 is a relative term which renders the claims indefinite. As previously indicated, claims 1, 11, 18, 25, 33 and 37 have been amended such that determining an effective phase shift between the first clock signal and the second clock signal is "based on the offset and a greatest common divisor." As such claims 1, 11, 18, 25, 33 and 37 no longer make reference to the term "smallest."

Further, claim 5 is specifically rejected for insufficient antecedent basis for the limitation "determining an edge difference for worst case slack." As amended herein, the proper antecedent basis for the limitation "determining an edge difference for the worst case slack" can be found in amended claim 1.

Finally, claim 17 is specifically rejected for not setting forth any steps involved in the method/process claimed. As previously discussed above, claim 17, as amended herein, recites a method step.

Claims 1, 5, 11, 17, 18, 25, 33 and 37, as amended herein, and all related dependent claims are now believed to be in full compliance with 35 U.S.C. § 112, second paragraph and in form for allowance, and such indication is respectfully requested.

#### IV. Conclusion

This Amendment is submitted contemporaneously with a petition for a one-month extension of time in accordance with 37 CFR § 1.136(a). Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$120.00, for a one-month extension of time fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: 5 DEC 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory P. Durbin', is written over a horizontal line.

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